

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

**LARRY ROBINSON and
EARTHA ROBINSON**

23-13112-JDW

NOTICE OF OBJECTION TO PROOF OF CLAIM

YOU ARE HEREBY NOTIFIED that an objection to your Proof of Claim ("Claim") has been filed in the above-referenced bankruptcy case. Your Claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your Claim, a written response to the attached Objection to Proof of Claim must be filed with:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee and the Debtor(s) attorney on or before thirty (30) days from the date of this Notice. In the event a written response is filed, the Court will notify you of the date, time, and place of the hearing thereon.

Dated: December 15, 2023.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

CHAPTER 13 CASE NO.:

**LARRY ROBINSON and
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23-13112-JDW

**OBJECTION TO PROOF OF CLAIM OF
SMART SALES AND LEASE (CLM. #7-1)**

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the "Trustee"), by and through counsel, and files this Objection to the Proof of Claim of Smart Sales and Lease (Clm. #7-1) (the "Objection"), and in support thereof states as follows:

1. On November 28, 2023, Smart Sales and Lease (the "Creditor") filed its Proof of Claim (Clm. #7-1) in the amount of \$1,142.78 (the "Claim") as secured. However, the Creditor provides in Sections 8 and 10 of the Claim that the basis for the indebtedness is an unexpired lease, which is supported by the documents attached to the Claim.

2. The Trustee submits that the claim amount of \$1,142.78 in Section 7 is overstated as it includes amounts not owed to the Creditor as of the date the petition was filed. The Creditor failed to provide the amount necessary to cure the defaults in the lease agreement as of the date of the petition as required by Section 10 of the Claim, and the Trustee is unable to determine that amount based on the supporting documents attached to the Claim.

3. Accordingly, the Trustee requests that the Claim be reclassified as a nonpriority unsecured claim and reduced from \$1,142.78 to \$0.00.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing, this Court enters its order sustaining the Objection and for

such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: December 15, 2023.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

BY: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first-class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Smart Sales and Lease
3220 West Main Street
Suite 200
Rapid City, SD 57702

Dated: December 15, 2023.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN